

**MAR 14 2006**

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**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

HERLINDA JOANNA NOLASCO-  
RAYMUNDO,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-73212

Agency No. A78-751-452

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted February 13, 2006 <sup>\*\*</sup>

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Herlinda Joanna Nolasco-Raymundo, a native and citizen of Guatemala,  
petitions pro se for review of an order of the Board of Immigration Appeals  
("BIA") summarily dismissing her appeal from an immigration judge's order

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

denying her applications for asylum, withholding of removal, and relief under the Convention Against Torture. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo the question whether the BIA's summary dismissal violated due process. *See Singh v. Gonzales*, 416 F.3d 1006, 1009 (9th Cir. 2005). We deny the petition for review.

The BIA properly dismissed Nolasco-Raymundo's appeal because she provided no argument to support her appeal in either her notice of appeal or in a brief. Under these circumstances, the BIA's actions were not "arbitrary." *Toquero v. INS*, 956 F.2d 193, 196 (9th Cir. 1992); *Singh*, 416 F.3d at 1014 (holding that the BIA's summary dismissal did not violate due process because the failure to specify grounds for appeal did not turn "on the clarity of the instructions provided" on the notice of appeal form); 8 C.F.R. § 1003.1(d)(2)(i); *cf. Garcia-Cortez v. Ashcroft*, 366 F.3d 749, 753 (9th Cir. 2004) (holding that it violates due process for the agency to summarily dismiss where an alien gives detailed reasons to support the appeal, either in the notice of appeal or in a separate brief).

**PETITION FOR REVIEW DENIED.**